

The Honorable Ronald B. Leighton

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON,

Plaintiff,

v.

DONALD TRUMP, et al.,

Defendants.

NO. 2:17-cv-01510 RBL

PLAINTIFF'S REPLY IN SUPPORT OF
MOTION TO CONTINUE THE
DEADLINE FOR RESPONDING TO
DEFENDANTS' MOTION TO DISMISS
OR MOTION FOR SUMMARY
JUDGMENT

NOTED FOR: DECEMBER 22, 2017

In light of two nationwide preliminary injunctions entered on December 15, and 21, 2017, which enjoin enforcement of the Interim Final Rules at issue in this lawsuit, *see* Dkt. 33 and Dkt. 40-3, the State of Washington has withdrawn its pending third-party discovery requests and has sought a stay of these proceedings. Dkt. 34; Dkt. 36; Dkt. 39.¹

Moreover, the Federal Government has confirmed that its standing challenge is raised only as a Rule 12 Motion to Dismiss, not a Rule 56 Motion, and is therefore confined to the four corners of the Complaint. Dkt. 13 at 2, 7-8; Dkt. 32 at 2.

Accordingly, the State withdraws its request to continue the deadline to respond to the

¹ Prior to filing its Motion to Stay, Washington raised the proposal with the Federal Government's attorney to attempt to obtain agreement. However, the Federal Government's attorney was unable to say whether her clients would oppose the stay at time of filing, so the State is not able to withdraw the pending motion to continue.

1 Federal Government's Motion to Dismiss or for Summary Judgment pending completion of
2 jurisdictional discovery. Instead, if the Court does not stay these proceedings pending appellate
3 review of the above-referenced injunctions, the State asks only for a ten-day extension to its
4 deadline to respond to Plaintiff's Motion to Dismiss or for Summary Judgment until January 12,
5 2018. *See* Dkt. 27 at 11-12.

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7 The Federal Government opposes Washington's request to extend its deadline to respond
8 until January 12, 2018, but states that it would not oppose an extension to January 8, 2018. Dkt. 37.
9 However, it offers no reaction to the State's reasons for requesting a modest ten-day extension, nor
10 does it explain how an additional four days for the State to respond would prejudice its case. *Id.*

11 As set forth in its Motion, Washington's request is premised on several factors, including
12 the lengthy administrative record filed on the same day as the Federal Government's motion, the
13 length of the Federal Government's motion, and the holiday season occurring during the time the
14 State has to respond. Dkt. 27 at 11-12.

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1 For these reasons, and the reasons set forth in the State's Motion to Continue Deadline
2 (Dkt. 27), Washington respectfully requests that the Court extend its deadline for response to
3 January 12, 2018 (if it does not stay the proceedings). A revised proposed order accompanies this
4 Reply.

5 DATED this 22nd day of December, 2017.

7 ROBERT W. FERGUSON
8 Attorney General

9
10 /s/ Jeffrey T. Sprung

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DECLARATION OF SERVICE

I hereby certify that on December 22, 2017, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Elizabeth L. Kade
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DATED this 22nd day of December, 2017, at Tumwater, Washington.

/s/ Jeffrey T. Sprung

JEFFREY T. SPRUNG

Assistant Attorney General